

Message

From: Rowley, Laura (ENRD) [Laura.Rowley@usdoj.gov]
Sent: 11/14/2019 4:48:00 PM
To: Lee Henig-Elona [lhenig-elona@gordonrees.com]; Marotta & Garvey [mgclawyers@aol.com]; Randi Schillinger [rschillinger@saiber.com]; Larry Silver [lsilver@lssh-law.com]; Kathy Patrick [kpatrick@gibbsbruns.com]; Gail Conenello [gail.conenello@klgates.com]; rkemper@thompsoncoburn.com; stsinger@verizon.net; mwitt@pvsc.com; tryan@lclaw.com
CC: Donohue, Brian (ENRD) [Brian.Donohue@usdoj.gov]; andrew.w.keir@usdoj.gov [Andrew.W.Keir@usdoj.gov]; Flanagan, Sarah [Flanagan.Sarah@epa.gov]; Fajardo, Juan [Fajardo.Juan@epa.gov]
Subject: Diamond Alkali: Second Amendment to tolling agreement - fully executed
Attachments: ENV_ENFORCEMENT-#2834649-v1-Diamond_Alkali__Second_Amendment_to_Six_Mo_Tolling_Agreement_-_fully_executed.PDF

Good morning:

Attached please find a fully executed copy of the Second Amendment to the tolling agreement for Diamond Alkali. Thank you all for your cooperation.

-Laura

cc: Brian Donohue, DOJ
Andrew Keir, DOJ
Sarah Flanagan, EPA Region 2
Juan Fajardo, EPA Region 2

Laura J. Rowley
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Environment and Natural Resources Division
Environmental Enforcement Section
P.O. Box 7611
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From: Rowley, Laura (ENRD)
Sent: Tuesday, October 8, 2019 9:41 AM
To: Eric Aronson <aronson@gtlaw.com>; Lee Henig-Elona <lhenig-elona@gordonrees.com>; Marotta & Garvey <mgclawyers@aol.com>; Randi Schillinger <rschillinger@saiber.com>; Larry Silver <lsilver@lssh-law.com>; Kathy Patrick <kpatrick@gibbsbruns.com>; Gail Conenello <gail.conenello@klgates.com>; Thomas Prol <tprol@lclaw.com>; Ryan Kemper <rkemper@thompsoncoburn.com>; stsinger@verizon.net; mwitt@pvsc.com
Cc: Donohue, Brian (ENRD) <BDonohue@ENRD.USDOJ.GOV>; Keir, Andrew W. (ENRD) (AKeir@ENRD.USDOJ.GOV) <AKeir@ENRD.USDOJ.GOV>; Flanagan, Sarah <Flanagan.Sarah@epa.gov>; Fajardo, Juan <Fajardo.Juan@epa.gov>
Subject: Diamond Alkali: Request to Sign Second Amendment to tolling agreement

Good morning:

You are receiving this email because you or your client signed the Diamond Alkali Superfund Site Six Month Tolling Agreement, as well as the First Amendment to that agreement. I have attached a copy of both fully executed agreements for your convenience. I am asking that you review and sign the attached second amendment to the six

month tolling agreement, which would extend the Tolling Period for another six months, through August 14, 2020. As stated in my original request for a tolling agreement, the allocation process is underway and Occidental Chemical Corporation is performing the Remedial Design. Extending the Tolling Period again now will allow the United States to focus on these efforts rather than preparing for litigation.

Here are some specific details regarding the request to sign the attached second amendment to the tolling agreement:

1. We ask that you review and sign the attached "Second Amendment to the Diamond Alkali Superfund Site Six Month Tolling Agreement", and return your signature page to me, no later than Wednesday, October 16.
2. A Word document signature page is attached to this email for your convenience. This allows you to add the information specific to your client electronically, but please have the authorized person sign by hand. You can scan and email the signed page to me (laura.rowley@usdoj.gov) or, if necessary, fax it to me at (202) 616-2427. Let me know beforehand if you are sending the page by fax.
3. We will not negotiate the language in the attached second amendment to the tolling agreement. The attached second amendment follows the language of the first amendment.
4. I will circulate a fully executed copy of the second amendment to the tolling agreement for your records once I have all signatures.

The parties whose signature pages appear at pages 4-43 of the attached original Diamond Alkali Superfund Site Six Month Tolling Agreement have already agreed to sign the proposed amendment, and submit signature pages on the same timeline.

If you have any questions, please contact me at (202) 616-8763 or by email; or you may contact the following attorneys from DOJ or EPA:

Brian Donohue: (202) 514-5413

Juan Fajardo: (212) 637-3132

Thank you in advance for your cooperation. We greatly appreciate it.

-Laura Rowley

cc: Brian Donohue, DOJ
Andrew Keir, DOJ
Sarah Flanagan, EPA Region 2
Juan Fajardo, EPA Region 2

Laura J. Rowley
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